

| Act 171 Forest Integrity Study Committee Draft Summary of Potential Changes Presented on Oct. 18, 2016 | | | Notes from November 18, 2016 Meeting | | | |
|---|---------------------------------|--|--|--|-----------------|---|
| Potential Changes to Chapter 117 | | | Questions, Clarifications, and Potential Impacts | | | |
| # | Contributor / Organization Name | Potential Change | Contributor | Clarifications, Questions | Contributor | Potential Impacts |
| Alter zoning | | | Alter zoning | | | |
| 2.1 | Jamey Fidel VNRC | Change 24 V.S.A. § 4414. Zoning; permissible types of regulations (1) (B) Agricultural, rural residential, forest, and recreational districts. (ii) Forest districts, permitting <u>commercial forestry forestry operations, management for maintenance of forest blocks</u> , and related uses and prohibiting all other land development | J. Wood | Clarify definitions of 'forest block'. | Study Committee | Promotes forest health and integrity. |
| | | | S. Webster | What is the goal of "forest management" in this language? Landowners are already allowed to managed their forest – why do landowners need a permit to do something that they can already do? | S. Webster | Someone interpreting the law may interpret this to do more than is within their jurisdiction. |
| | | | J. Fidel | Here, "permitting" does not refer to the requirement for a permit. It encourages planning that promotes forest integrity. | J. Wood | This could be an additional mandate on town planning. |
| 2.2 | Jamey Fidel VNRC | Change 24 V.S.A. § 4414. Zoning; permissible types of regulations (2). Overlay districts. Special districts may be created to supplement or modify the zoning requirements otherwise applicable in underlying districts in order to provide supplementary provisions for areas such as shorelands and floodplains, aquifer and source protection areas, <u>ridgelines, forest blocks, wildlife habitat and habitat connectivity</u> , and scenic features, highway intersection, bypass, and interchange areas, or other features described in section 4411 of this title. | J. Wood | Clarify definitions of 'forest block', 'wildlife habitat' and 'habitat connectivity'. | Study Committee | Promotes forest health and integrity. |
| | | | J. Fidel | Note that some terms have no set definitions (e.g. "ridgelines"). | J. Fidel | Raise intention and awareness at local level to give some of these features attention. |
| | | | | | L. Leriche | Could further restrict landowners use if their land falls within an 'overlay district'. |
| 2.3 | Jamey Fidel VNRC | Change 24 V.S.A. Section 4414. Zoning; permissible types of regulations. (3) Conditional uses. (B) <u>(v) Criteria related to the protection of natural resources including air and water quality, wildlife, forests, agricultural soils, or other natural resource features.</u> | J. Fidel | These are characteristics that may be supplemented to conditional uses | Study Committee | Promotes forest health and integrity. |
| | | | G. Zakov | This change may already be included under (5). | J. Wood | Seems broad and far-reaching. Could have impacts on the value of their property. |
| | | | J. Fidel | Including it as (6) would emphasize more natural resources review. | J. Nelson | No impact - it just raises awareness. But, towns could then "put the hammer down". |
| 2.4 | Lucy Leriche ACCD | Encourage towns to use their authority in 19 V.S.A. § 304 (a)(21) to limit the impacts of development on large forest blocks and habitat corridors. | M. Snyder | Is there a way to encourage this? Who should encourage, and how? | Study Committee | Promotes forest health and integrity. |
| | | | G. Campoli | Should towns include this in consideration for town planning re: access, water quality, drainage? | D. Snelling | Positive review. |
| | | | | | C. Cochran | Towns have right to review an existing curb cut. This suggestion encourages town to use that right to review |
| 2.5 | Agency of Natural Resources | Permit or require municipalities to adopt bylaws to address forest blocks and connectivity under 24 VSA § 4412 and/or 4414. | J. Wood | Should it say "permit" or "require"? | Study Committee | Promotes forest health and integrity. |
| | | | B. Coster | These could be divided into two recommendations. So, let's address 'permit' – this is the same as 2.1. | G. Zakov | This would be too burdensome on towns – there is a lot to address and would be a huge departure from what Ch. 117 address (regarding access to housing). This may also be conflicting with the intent of Chapter 117. |

| Act 171 Forest Integrity Study Committee Draft Summary of Potential Changes Presented on Oct. 18, 2016 | | | Notes from November 18, 2016 Meeting | | | |
|---|---------------------------------|---|--|---|-----------------|--|
| Potential Changes to Chapter 117 | | | Questions, Clarifications, and Potential Impacts | | | |
| # | Contributor / Organization Name | Potential Change | Contributor | Clarifications, Questions | Contributor | Potential Impacts |
| | | | B. Waninger | If supported, this language should be included in 24 VSA § 4412, not 4414. | J. Wood | Could conflict with other protection for use, for example, uses/protection of a riparian buffer. It would be a burden for landowners to fight this on an 'ad-hoc' basis. |
| 2.6 | Agency of Natural Resources | Add density waivers enabled under 24 VSA § 4414(1)8 to encourage higher density away from high-productivity forests | J. Wood | Evaluation of this change is pending definitions. | Study Committee | Promotes forest health and integrity. |
| | | | L. Leriche | Municipalities can already do this Planned Unit Developments (PUDs). Clarify how this is different from PUDs. | J. Wood | May have benefits to forestland owners |
| 2.7 | Agency of Natural Resources | Institute maximum setbacks that would constrain development to edges of forest blocks | B. Coster | Already have minimum setbacks | Study Committee | Promotes forest health and integrity. |
| | | | | | L. Leriche | When added to other restrictions, land use planners may have no options left for placement of infrastructure. |
| 2.8 | Agency of Natural Resources | Encourage greater use of Forest District designations in local zoning. | | | Study Committee | Promotes forest health and integrity. |
| | | | | | G. Zakov | Hard to find distinct impact out of this broad language. |
| | | | | | D. Snelling | This could be part of a guide to promote recommendations. |
| | | | | | B. Waninger | This language does less to nuance to forest land use and more to restrict forest use. |
| 2.9 | Agency of Natural Resources | Amend local zoning bylaws to include clustering provisions (either mandatory or encouraged by meaningful incentives) to minimize the parcelization of large forest parcels | B. Coster | This could "encourage" towns to include clustering provisions in bylaws. It is similar to recommendation 2.6 that requires certain densities. | Study Committee | Promotes forest health and integrity. |
| 2.10 | Agency of Natural Resources | Utilize fixed-area based zoning or comparable provisions that foster the creation of small building lots and low overall development densities in designated zoning districts | B. Coster | Already incorporated in above. Note: ANR may withdraw. | Study Committee | Promotes forest health and integrity. |
| 2.11 | Joe Nelson, VWLEB | Encourage towns to establish zonign districts where forest industry is encouraged, and where zoning bylaws encourage establishment of forest industry through less restrictive standards, including those for aesthetics, noise, and traffic. | | | | |
| Create jurisdictional triggers | | | Create jurisdictional triggers | | | |
| 2.12 | Bonnie Waninger VAPDA | Encourage use of triggers, such as land use changes, to manage forest block impacts. | | | Study Committee | Promotes forest health and integrity. |
| | | | | | J. Wood | Mandating that land must be kept as forestland could have a "chilling effect" on land investors wanting a "full suite of options" for their investment. |
| Clarify terms and provide defintions | | | Clarify terms and provide defintions | | | |

| Act 171 Forest Integrity Study Committee Draft Summary of Potential Changes Presented on Oct. 18, 2016 | | | Notes from November 18, 2016 Meeting | | | |
|---|---|--|--|--|-----------------|---|
| Potential Changes to Chapter 117 | | | Questions, Clarifications, and Potential Impacts | | | |
| # | Contributor / Organization Name | Potential Change | Contributor | Clarifications, Questions | Contributor | Potential Impacts |
| 2.13 | Lucy Leriche ACCD | Clarify the term "recreational trail" within the context of Section 15 24 V.S.A. § 4303: Definition (37). As written, the definition of "recreation trails" as "not paved" could have unintended consequences without an ADA exception or additional explanation on what is meant by "non paved" with regard to universally accessible trails. | L. Leriche | Already addressed in Forest Roundtable minutes. | Study Committee | Promotes forest health and integrity. |
| 2.14 | Agency of Natural Resources | Define forest blocks and landscape and habitat connectivity in 24 VSA § 4303. | M. Snyder | Definitions are ready for ANR leadership review. Leadership will review next week for signing memo and will be shared it with Study Committee for input. | Study Committee | Promotes forest health and integrity. |
| | | | A. Sheldon | Group could revisit some of legislature's previous discussions. | | |
| Other potential changes to Chapter 117 | | | Other potential changes to Chapter 117 | | | |
| 2.15 | Jamey Fidel VNRC | Change 24 V.S.A. Section 4418. Subdivision bylaws. (D) Standards for the protection of natural resources, <u>including forest blocks, agricultural lands, air and water quality, wildlife habitat</u> , and cultural features and the preservation of open space, as appropriate in the municipality. | G. Zakov | "Must" or "may"? | Study Committee | Promotes forest health and integrity. |
| | | | J. Fidel | Could use "including" or "such as" to reduce burden of showing all impacts. | J. Wood | Problematic if subdevelopment always means fragmentation. This may take away options for thoughtful forestland investors. |
| | | | C. Cochran | The change should be enabling. | G. Zakov | 4418 (2) This is under "shall" but should be under "may". This would be a "heavy lift" for towns. A better area for this may be the "may". If it is in the "shall, it establishes an increased burden on the applicant and towns. |
| 2.16 | Bonnie Waninger VAPDA | Update Chapter 117 to incorporate 2016 legislative changes and create consistency between statutory language related to plans, subdivision regulations, and zoning regulations. Specifically, enable criteria related to forest integrity and other natural resources in both zoning and subdivision that would strengthen a municipality's position if these factors were challenged. | | | Study Committee | Promotes forest health and integrity. |
| 2.17 | Karen Horn Vermont League of Cities & Towns | Make no adjustments to municipal land use regulations. | G. Zakov | Changes add burden to towns. Towns are already challenged, both financially and logistically, to meet obligations presented by legislation passed in the last biennium, specifically Acts 64, 171 and 174. | M. Snyder | No changes miss an opportunity to help towns do it better. |
| | | | | | B. Waninger | Lost forest integrity. |